

IN RE: PETITION FOR SPECIAL EXCEPTION *
AND VARIANCE *
4/5 of Jones Road, 2100' *
Northwest of Pulaski Highway *
11th Election District *
Joseph H. Rosendale, et ux *
Petitioners *
* * * * *
* * * * *

BEFORE THE
BOARD OF APPEALS
OF
BALTIMORE COUNTY
Case No. 85-157-XA

Entry of Appearance

Please enter our appearance on behalf of the Zoning Commissioner of Baltimore County as a party in the above captioned matter, pursuant to Section 501.6, B.C.Z.R., and I hereby request that any and all notices be forwarded to our office, including but not limited to hearing dates and/or preliminary or final Orders.

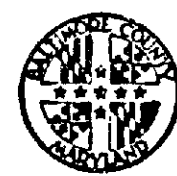
Malcolm F. Spicer, Jr.
Malcolm F. Spicer, Jr.
Baltimore County Attorney
Old Court House
Towson, Maryland 21204
494-4420

Douglas T. Sachse
Douglas T. Sachse
Assistant County Attorney

Certificate of Mailing

IT IS HEREBY CERTIFIED that on this 3rd day of January, 1985, copies of the foregoing Entry of Appearance were mailed, postage prepaid, by first class delivery to People's Counsel for Baltimore County, Petitioner(s), and or Protestant(s) in the above captioned matter.

Douglas T. Sachse
Douglas T. Sachse
Assistant County Attorney



Baltimore County, Maryland

PEOPLE'S COUNSEL
RM 222, COURT HOUSE
TOWSON, MARYLAND 21204
494-2188

PHYLLIS COLE FRIEDMAN
People's Counsel

PETER MAX ZIMMERMAN
Deputy People's Counsel

March 29, 1985

The Honorable
William T. Hackett, Chairman
County Board of Appeals
Room 200, Court House
Towson, Maryland 21204

Dear Chairman Hackett:

It has come to our attention that the Zoning Commissioner has entered his appearance in the following cases:

Christian B. Anderson, et ux - #85-170-SPH (Item 116)
Elizabeth R. Baird, et al - #85-45-SPH (Item 346)
Vincent Bertuca, et ux - #85-183-A (Item 132)
Chesapeake Fed. S & L - #85-187-A (Item 131)
Mary M. Clark - #84-311-A (Item 249)
David L. Cole, et ux - #85-2-XA (Item 290)
Eastern Yacht Club, Inc. - #85-73-SPH (Item 337)
Hauesser Family Ltd. Ptnr. - #85-83-SPHA (Item 127)
Johnson, Robert W., III - #85-185-X (Item 124)
Kable, Melvin - #85-208-XSPH (Item 154)
McManus-Torillo Assoc., Inc. - #85-189-X (Item 127)
The Rock Rental Co. - #85-186-XA (Item 115)
Joseph H. Rosendale, et ux - #85-157-XA (Item 102)
Louis E. Tarasca, et ux - #85-232-X (Item 146)
Towson Presbyterian Church - #85-176-SPH (Item 93)

As a result of the decision in Carol Dome, et al - #85-106-SPH (Item 43), it is clear that the Zoning Commissioner has no standing and his appearance should be struck. Please consider this letter as a Motion to Strike the Zoning Commissioner's Appearance in each of the above cases. We are enclosing a copy of this letter/Motion for each file.

Very truly yours,

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

cc: Norman E. Gerber
Arnold Jablon, Esquire
Malcolm F. Spicer, Jr., Esquire
Douglas T. Sachse, Esquire

PMZ:sh



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

June 13, 1985

NOTICE OF POSTPONEMENT

CASE NO. 85-157-XA

JOSEPH H. ROSENDALE, ET UX

For Special Exception - Wireless transmitting and receiving structure, and For Variance for setbacks

W/s Jones Rd., 2100' NW of Pulaski Hwy.
11th District

Assigned for hearing on Thursday, June 27, 1985, at 10 a.m., has been POSTPONED at the request of both counsel for the Protestant and Counsel for the Petitioners.

cc: Keith E. Ronald, Esq. Counsel for Petitioners

Joseph H. & Dorothea Rosendale Petitioners

Thomas N. Biddison, Jr., Esq. Counsel for Protestant

Dave LaBarre Requested Notification

Phyllis C. Friedman People's Counsel

Norman Gerber

James Hcswell

Arnold Jablon

Jean Jung

James Dyer

June Holmen, Secretary

IN THE MATTER OF
THE APPLICATION OF
JOSEPH H. ROSENDALE, ET UX,
FOR SPECIAL EXCEPTION AND
VARIANCE ON PROPERTY LOCATED
ON THE WEST SIDE OF JONES ROAD,
2100' NORTHWEST OF PULASKI
HIGHWAY - 11th DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 85-157-XA

ORDER OF DISMISSAL

Petitions of Joseph H. Rosendale, et ux, for special exception and variance on property located on the west side of Jones Road, 2100' northwest of Pulaski Highway, in the 11th Election District of Baltimore County.

WHEREAS, the Board of Appeals is in receipt of a Motion for Dismissal of Appeal filed November 4, 1985 (a copy of which is attached hereto and made a part hereof) from the attorney representing the Petitioners in the above entitled matter.

WHEREAS, the said attorney for the said Petitioners requests that the appeal filed on behalf of said Petitioners be dismissed and withdrawn as of November 4, 1985.

IT IS HEREBY ORDERED this 5th day of November, 1985, that said appeal be and the same is DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Laurence E. Schmidt
Laurence E. Schmidt

Patricia Phipps
Patricia Phipps

IN RE: PETITION FOR SPECIAL EXCEPTION *
AND VARIANCE *
W/S of Jones Road, 2100' *
Northwest of Pulaski Highway *
11th Election District *
Joseph H. Rosendale, et ux *
Petitioners *
* * * * *

BEFORE THE
BOARD OF APPEALS
OF
BALTIMORE COUNTY
Case No. 85-157-XA

MOTION FOR DISMISSAL

Please dismiss the above captioned matter with prejudice.

Keith E. Ronald
Keith E. Ronald
Counsel for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Motion for Dismissal was mailed, postage prepaid, this 1st day of November, 1985, to Thomas N. Biddison, Jr., Esquire, 1100 One Charles Center, Baltimore, Maryland 21201, Counsel for Protestant; Douglas T. Sachse, Esquire, Baltimore County Law Office, Old Court House, Towson, Maryland 21204; and Phyllis C. Friedman, Esquire, Office of People's Counsel, Old Court House, Towson, Maryland 21204.

Keith E. Ronald
Keith E. Ronald

IN RE: PETITIONS SPECIAL EXCEPTION *
AND VARIANCES *
W/S of Jones Road, 2,100' NW *
of Pulaski Highway - 11th *
Election District *
Joseph H. Rosendale, et ux, *
Petitioners *
* * * * *

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 85-157-XA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special exception for a wireless transmitting and receiving structure (monopole antenna) and variances to permit building setbacks of 12 feet, 12 feet, 20 feet, and 21 feet instead of the required 50 feet each, as more particularly described on Petitioners' Exhibit 1.

The Petitioners, by Bell Atlantic Mobil Systems, Inc., a wholly owned subsidiary of Bell Atlantic, the Lessee, appeared and were represented by Counsel. Appearing and testifying on behalf of the Petitioners was Harry Fisher, General Manager, System Designer, and Real Estate Manager for Bell Atlantic. Kenneth Holt appeared and testified as a Protestant and was represented by Counsel. Other Protestants also appeared. See Protestants' Exhibit 2.

Testimony indicated that the Lessee of the subject property, zoned R.C.5, intends to construct a 150-foot-high monopole structure with a 17-foot antennae for the purpose of establishing a cellular mobile telephone system in the Baltimore area. After investigating numerous other sites in the area, the Lessee chose this particular location because it met all of its engineering requirements. The Lessee has been authorized by the FCC to construct the system and has reserved specific frequencies which will not obstruct or interfere with any other frequencies, e.g., television or radio communications. In addition, a 28' x 11' accessory building would be constructed to house the various equipment necessary to operate the tower. The building's location necessitates variances

to permit 12 feet from the northern leased lot line to the front of the building, 12 feet from the side of the building to the eastern lot line, and 20 feet from the building to the western lot line. Another setback of 21 feet from the base of the monopole to the southern leased lot line is also necessary. The variances are required because the leased area was made as compact as possible. I. e., 60' x 60' with a 150-foot access roadway from Jones Road, in order to allow the Petitioners to utilize as much of the property as possible. Both the tower and building would be well maintained and constantly supervised.

Mr. Fisher testified that, in his opinion, none of the conditions precedent as delineated in Section 502.1, Baltimore County Zoning Regulations (BCZR), would be violated if the special exception were granted.

Mr. Holt testified that, in his opinion, there would be an adverse impact on the community in that the tower would be incompatible with the nature and intent of the R.C.5 Zone, especially since the particular site is adjacent to Gunpowder State Park which, pursuant to the State Department of Natural Resources' Master Plan, is due for protection by expansion. It is the same area in which the Big and Little Gunpowder Rivers converge and is particularly protected for wildlife and birds using the area as a flyway.

The Petitioners seek relief from Section 1A04.2.B.21, pursuant to Section 502.1, BCZR, and from Section 1A04.3.B.3, pursuant to Section 307, BCZR.

It is clear that the BCZR permit a wireless transmitting and receiving structure in an R.C.5 Zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary residential and agricultural uses in the vicinity of the proposed tower. There is, of course, a strong presumption of the correctness of original zoning and of the comprehensive zoning process. Howard County v. Dorsey, 438 A.2d 1339 (1982). The County has deemed it necessary to legislate permitted uses, either as a matter of right or

by special exception, in particular zones in the County, and one of those uses permitted by special exception in an R.C.5 Zone is the right to have a wireless transmitting and receiving structure.

Special exception uses are provided as part of the comprehensive zoning plan, and therefore, such uses share "the presumption that...it is in the interest of the general welfare and...valid." Turner v. Hammond, 310 A.2d 543 (1973). Such uses are presumptively permissible. Montgomery County v. Merlands Club, Inc., 96 A.2d 261 (1953). By permitting a tower as a special exception, the Baltimore County Council obviously determined that such a use was to be permitted as a general matter. Anderson v. Sawyer, 329 A.2d 716 (1974); Miller v. Kwanis Club of Loch Raven, Inc., 347 A.2d 572 (1975). There is no inconsistency in permitting a tower in an R.C.5 Zone, provided the conditions delineated in Section 502.1 are satisfied.

The special exception use is a part of the comprehensive zoning plan sharing the presumption that, as such, it is in the interest of the general welfare, and therefore, valid. The special exception use is a valid zoning mechanism that delegates...a limited authority to allow enumerated uses which the legislature has determined to be permissible absent any fact or circumstance negating the presumption. The duties given...are to judge whether the neighboring properties in the general neighborhood would be adversely affected and whether the use in the particular case is in harmony with the general purpose and intent of the plan.

Lessee had the burden of adducing testimony which would show that the tower meets the prescribed standards found in Section 502.1. The requisites are diverse but each must be satisfied. Special exception here must be determined by whether the proposed tower would satisfy the spirit and intent of the BCZR. This Commissioner is convinced that each of the other conditions precedent will be satisfied but is equally convinced that Section 502.1-g, BCZR, will not. Therefore, the special exception for a wireless transmitting and receiving facility should not be granted.

RECEIVED
COUNTY BOARD OF APPEALS
NOV 14 1985
W. LEE THOMAS, P.A.
ATTORNEY AT LAW
SUITE 210
100 CHARLES CENTER
BALTIMORE, MARYLAND 21201
494-0571

ORDER RECEIVED FOR FILING
DATE 11/14/85
BY [Signature]

ORDER RECEIVED FOR FILING
DATE 11/14/85
BY [Signature]

ORDER RECEIVED FOR FILING
DATE 11/14/85
BY [Signature]

The spirit and intent of the BCZR is encapsulated in the Baltimore County Master Plan, Open Space and Recreation Plan, Vol. 4, p. 2 and 3.

"...County elected officials...should encourage State and Federal acquisition of conservation areas readily accessible to the urban population."

The Master Plan, adopted by Resolution No. 71-79 in November, 1979, sets forth the comprehensive objectives, policies, and standards to serve as a guide for the development of the County. The BCZR are "intended to provide broad regulation of the use and manner of use of land, in accordance with comprehensive plans." Section 100.1.A.1, BCZR.

The spirit and intent of the BCZR can only be satisfied by compliance with the overall intent of the comprehensive plan for the County.

It has long been recognized that the police power may be exercised to preserve an area which is generally regarded by the public to be pleasing to the eye or historically or architecturally significant.

Mayor v. City Council of Balto. v. Mano Swartz, 268 Md. 79 (1973); Donnelly Advertising Corp. v. City of Balto., 370 A.2d 1127 (1977).

The location of the recreational area in such close proximity to the site of the proposed tower is cause for concern. The intrusion of the proposed tower would in fact be contrary to and in violation of the spirit and intent of the BCZR. A major purpose of the R.C.5 classification is to limit and minimize encroachments onto productive or critical natural resource areas. Section 100.1.A.1, BCZR. The very nature of the tower would be contrary to the spirit and intent as expressed in the preamble to the R.C.5 Zone. It would be inconsistent with the purposes of the property's zoning classification. Indeed, the construction of the tower would diminish the objectives of the natural resource area as expressed by the inclusion and proposed expansion of the Gunpowder State Park in this area.

The tower would not be consistent with the Master Plan or with the spirit and intent of the BCZR. Although the Master Plan is advisory and not binding, the BCZR, i.e., Section 502.1, require the guidance provided to be considered to insure consistency with the comprehensive plan for the area in which the tower is proposed.

Since the requested variances depend on the granting of the special exception from their substance, the former are moot. However, even if the special exception were to have been granted, the evidence presented did not satisfy the burden of proof required by Section 307. The reasons for the proposed variances were not sufficient. The Lessee might simply lease more land, which is readily available, in order to satisfy the required setbacks. Financial considerations are not sufficient cause to be a practical difficulty under Section 307.

Pursuant to the advertisement, posting of the property, and public hearing held, and it appearing that by reasons of the requirements of Section 502.1 not having been met and the proposed use being inconsistent with the spirit and intent of the BCZR, the special exception and variances should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 20th day of December, 1984, that the Petition for Special Exception for a wireless transmitting and receiving structure (monopole antenna) and, additionally, the Petition for Zoning Variances to permit building setbacks of 12 feet, 12 feet, 20 feet, and 21 feet be and are hereby DENIED, subject to the following:

1. An appeal from this decision shall be permitted within 30 days from December 4, 1984.

Arnold Jablon
Zoning Commissioner of
Baltimore County

AJ/srl

cc: Keith E. Ronald, Esquire
Thomas N. Biddison, Jr., Esquire
People's Counsel

PETITION FOR SPECIAL EXCEPTION AND VARIANCE
11th Election District

LOCATION: West side of Jones Road, 2100 feet Northwest of Pulaski Highway

DATE AND TIME: Tuesday, December 4, 1984 at 1:30 p.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for the installation of a wireless transmitting and receiving structure (a monopole antenna), and; Variance to allow building setbacks of 12 feet, 12 feet, 20 feet and 21 feet, all in lieu of the required 50 feet.

Being the property of Joseph H. Rosendale, et ux, as shown on plat plan filed with the Zoning Office.

In the event that these Petitions are granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

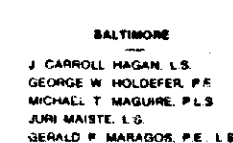
ORDER RECEIVED FOR FILING
DATE December 2, 1984
BY John P. Langford

ORDER RECEIVED FOR FILING
DATE December 2, 1984
BY John P. Langford

EVANS, HAGAN & HOLDEFER, INC.

ENGINEERS, LAND PLANNERS & SURVEYORS

8101 SANDY SPRING ROAD / SUITE 304 / LAUREL, MD. 20707 / (301) 792-0086



BALTIMORE
J. CARROLL HODGE, P.E.
GEORGE W. HOLDEFER, P.E.
MICHAEL J. HODGE, P.E.
JAMES W. HODGE, P.E.
ALAN E. HODGE, P.E.
CAMBRIDGE
L. ALAN E. HODGE, P.E.
FARM
ROBERT L. HODGE, P.E.
JAMES W. HODGE, P.E.
JAMES W. HODGE, P.E.
WESTMINSTER
JAMES W. HODGE, P.E.
JAMES W. HODGE, P.E.

DESCRIPTION OF 0.083 ACRE PARCEL OF PROPERTY AND TWENTY (20) FOOT RIGHT OF WAY OWNED BY JOSEPH H. AND DOROTHEA E. ROSENDALE AND LEASED TO BELL ATLANTIC MOBILE SYSTEMS FOR INSTALLATION OF MONOPOLE ANTENNA (SITE BLT-GTT-2).

BEGINNING FOR THE SAME at a point on the west side of Jones Road, as laid out sixteen (16) feet wide, said point being situated 2,100 feet, more or less, in a northwesterly direction along the southwest side of Jones Road from the intersection of Jones Road and Pulaski Highway, thence leaving the aforesaid point on the west side of Jones Road and running 1. South 46 degrees 34 minutes 01 seconds west 133.35 feet; thence, 2. South 01 degrees 34 minutes 01 seconds west 42.43 feet; thence, 3. South 43 degrees 25 minutes 59 seconds east 60.00 feet; thence, 4. South 46 degrees 34 minutes 01 seconds west 60.00 feet; thence, 5. North 43 degrees 25 minutes 59 seconds east 60 feet; thence, 6. North 46 degrees 34 minutes 01 seconds east 31.72 feet; thence, 7. North 01 degrees 34 minutes 01 seconds east 70.71 feet; thence, 8. North 46 degrees 34 minutes 01 seconds east 135.99 feet; thence, 9. South 59 degrees 10 minutes 59 seconds east 20.78 feet; to the place of beginning.

John P. Langford



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

November 26, 1984

Keith E. Ronald, Esquire
Suite 314
409 Washington Avenue
Towson, Maryland 21204

RE: Petition for Variance and Special Exception
W/S Jones Rd., 2100' NW of Pulaski Highway
Joseph H. Rosendale, et ux - Petitioners
Case No. 85-157-XA

Dear Mr. Ronald:

This is to advise you that \$52.05 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 135886
DATE 12-11-84 ACCOUNT 101-115-000
AMOUNT \$52.05
RECEIVED FROM Joseph H. Rosendale, et ux
FOR Advertising and Posting
C 039*****52514 P032F
VALIDATION OR SIGNATURE OF CASHIER

November 1, 1984

Keith E. Ronald, Esquire
Suite 314
409 Washington Avenue
Towson, Maryland 21204

NOTICE OF HEARING

RE: Petition for Variance and Special Exception
W/S Jones Road, 2100' NW of Pulaski Highway
Joseph H. Rosendale, et ux - Petitioners
Case No. 85-157-XA

TIME: 1:30 P.M.

DATE: Tuesday, December 4, 1984

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 134330
DATE 12/1/84 ACCOUNT 101-115-000
AMOUNT \$200.00
RECEIVED FROM Keith E. Ronald
FOR Advertising and Posting
C 041*****00001 0116F P032F
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 26, 1984

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204
050
Nicholas B. Commodari
Chairman

Keith E. Ronald, Esquire
Suite 314
409 Washington Avenue
Towson, Maryland 21204

RE: Item No. 102, Case No. 85-157-XA
Joseph H. Rosendale, et ux - Petitioners
Special Exception and Variance Petitions

Dear Mr. Ronald:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NEC:bsc

Enclosures

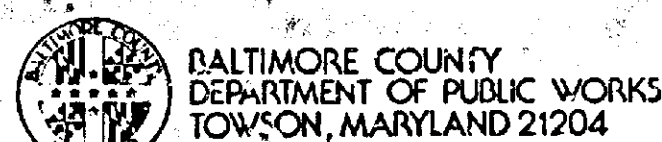
cc: Evans, Hagan, Holdefer, Inc.
8101 Sandy Spring Road
Laurel, Maryland 20707

BALTIMORE
CAMBRIDGE
WESTMINSTER

8015 BELAIR ROAD
530 POPLAR STREET
11 JOHN STREET

BALTIMORE, MD. 21208
BALTIMORE, MD. 21413
BALTIMORE, MD. 21157

(301) 866-1501
(301) 228-2350
(301) 848-1700



HARRY J. PISTEL, P.E.
DIRECTOR

December 7, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #102 (1984-1985)
Property Owner: Joseph H. Rosendale, et ux
W/S Jones Rd. 2100' N/W from centerline
Pulaski Highway
Access: 0.083
District: 11th

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General Comments:

Baltimore County highway and utility improvements are not directly involved.
Jones Road, an existing public road, is proposed to be further improved in the future as a 30-foot closed section roadway on a 50-foot right-of-way.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

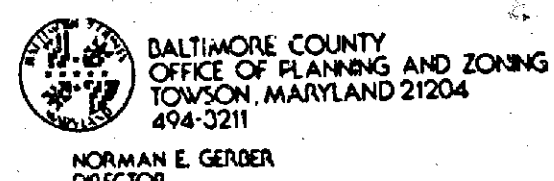
The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Very truly yours,

James E. Gerber
James E. Gerber, Director
Bureau of Public Services

JAM:ZAM:FW:iss
QQ-SW Key Sheet
43 & 44 NE 43 & 44 Pos. Sheets
NE 11 W Topo
64 & 73 Tax Maps

12/4
85-157KA



Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Zoning Advisory Meeting of 10/23/84
Item # 102
Property Owner: Joseph H. Rosendale, et ux
Location: W/S Jones Rd.

Dear Mr. Jablon:

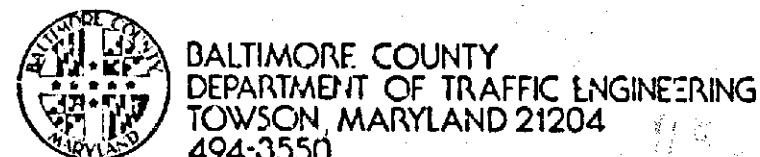
The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- () There are no site planning factors requiring comment.
- (X) A County Review Group Meeting is required.
- () A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- (X) This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- (X) A record plat will be required.
- () A record plat will be required prior to issuance of a building permit.
- (X) The access is not satisfactory.
- (X) The circulation on this site is not satisfactory.
- (X) The parking arrangement is not satisfactory.
- (X) Parking calculations must be shown on the plan.
- (X) This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- (X) Construction is or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- () Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- () The amended Development Plan was approved by the Planning Board.
- (X) Landscaping should be provided on this site and shown on the plan.
- (X) The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is:
- (X) The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Area are re-evaluated annually by the County Council.
- (X) Additional comments:

Wishes of the CRG requirement was requested by Director of Planning on November 15, 1984. Landscaping should be required according to the Landscape Manual Standards.

James E. Gerber
James E. Gerber, Director
Bureau of Public Services

cc: James Howell



STEPHEN E. COLLINS
DIRECTOR

November 19, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 101, 102, 104, and 106 Meeting of October 23, 1984
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Acres:
District:

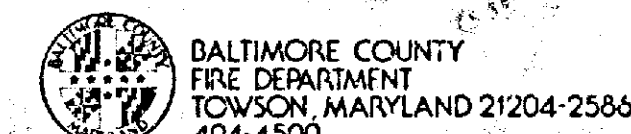
Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 101, 102, 104, and 106.

Michael S. Planigan
Michael S. Planigan
Traffic Engineering Assoc. II

MEF/cdm

Rescinded
12/4
85-157-KA



PAUL H. REINCKE
CHIEF

November 7, 1984

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Attention: Nick Comodari, Chairman
Zoning Plan Advisory Committee

RE: Property Owner: Joseph H. Rosendale, et ux

Location: Meeting of 10/23/84

Item No.: 102

Zoning Agenda: Meeting of 10/23/84

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

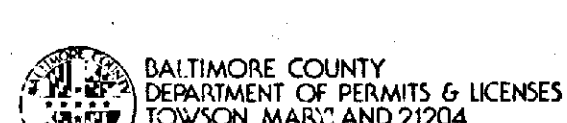
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

- () 6. Site plans are approved, as drawn.

- () 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: *Paul H. Reincke* Noted and Approved: *George M. Regan*
Planning Group
Special Inspection Division
Fire Prevention Bureau

/mb



TED JANKUS, JR.
DIRECTOR

November 1, 1984

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item #102 Zoning Advisory Committee Meeting are as follows:

Property Owner: Joseph H. Rosendale, et ux
Location: W/S Jones Road 2100' N/W from c/l Pulaski Highway
Existing Zoning: R-2
Proposed Zoning: Special Exception for a wireless transmitting and receiving structure (a monopole antenna). Variance to permit a building setback of 12', 12', 20' and 21' all in lieu of the required 50'.
Access: 0.083
District: 11th.

The items checked below are applicable:

- (X) All structures shall conform to the Baltimore County Building Code 1981/Council Bill 1-82 State of Maryland Code for the Building and Code, and other applicable Codes.
- (X) A building/structure shall be required before beginning construction.
- (X) Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required. Non-reproduced seals and signatures are required on Plans and Technical Data.

(X) Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.

(X) An exterior wall erected within 6'0" for Commercial uses or 3'0" for One & Two Family use group of an adjacent lot line shall be of one hour fire resistive construction; no openings permitted within 3'0" of lot lines. A firewall is required if construction is on the lot line, see Table 101, line 2, Section 1107 and Table 1102, also Section 503.2.

(X) Requested variance appears to conflict with the Baltimore County Building Code, Section/s _____

(X) A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.

(X) Before this office can comment on the above structure, please have the owner, then the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed on comply with the height/area requirements of Table 505 and the required construction classification of Table 101.

(X) Comments - Drawings shall be sealed by a Professional Engineer registered in Maryland in the structural field. The project shall be certified by the Engineer of Record at the completion of the project before an occupancy permit is issued.

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 122 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,
Charles E. Dunham
Charles E. Dunham, Chief
Plans Review

CEB:es

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Zoning Commissioner

Date: November 26, 1984

FROM: Norman E. Gerber, Director
Office of Planning and Zoning

SUBJECT: Zoning Petition No. 85-157-A

If granted it is requested that landscaping be required in conformance with the standards set forth in the Baltimore County Landscape Manual.

Norman E. Gerber
Norman E. Gerber, Director

NEG:JGH:bjs

Protestants

Petitioners Exhibit #1

Timothy C. Hoyle
10635 Jones Rd
Baltimore, MD 21021

Harry V. Reijer
10627 Jones Rd Bradshaw Md 21021

Joan R. Hoyle
10627 Jones Rd - Bradshaw, Md. 21021

Mary E. Holt
10636 Jones Rd
Bradshaw, Md. 21021

Donald C. Malon
10726 Jones Road
Bradshaw Md. 21021

Due Curtis LeBarre
10730 Jones Road
Bradshaw Md. 21021

Bette M. Langley (not interested party)
10631 Jones Rd
Bradshaw, Md. 21021

APR 8 1985

PROTESTANT'S EXHIBIT

We, the undersigned, are opposed to a special exception to the Zoning Code of Baltimore County which would permit the erection of a 167 foot tower by the Bell Atlantic Corporation at 10608 Jones Road, Bradshaw, Md. We are also opposed to an additional exception to the Zoning Code which would modify current set-back regulations and allow for the construction of a utility building to serve the tower.

As residents of the Bradshaw community, we are concerned that a 167 foot tower, would, both day and night, create an eyesore and destroy the beauty and natural harmony of the lower reaches of the Chesapeake State Park system. We deplore the property values in the community; through its access road, create an attraction for loitering and vandalism.

As residents of the citizens, we urge the Zoning Commission to uphold the existing zoning regulations for the protection of our individual property values and the preservation of the Chesapeake State Park.

Signatures

1. Thomas R. Holt 10627 Jones Rd.
2. Ann M. C. Holt 11/25/84 10755 Jones Rd.
3. Mary E. Holt 10635 Jones Rd.
4. Harry U. Rape 10627 Jones Rd.
5. Mrs. O. B. Jones 10613 Jones Rd.
6. Josephine Jones Jones Rd. Bradshaw
7. Rita Jones 10730 Jones Rd.
8. Sally Jones 10730 Jones Rd.
9. Donald C. Malon 10726 Jones Rd. Bradshaw
10. James Malon 10726 Jones Rd. Bradshaw
11. Shirley Smith Bradshaw Rd. Bradshaw
12. Regina M. Allen Bradshaw Rd. Bradshaw
13. Jarvis Meyer 10613 Jones Rd. Bradshaw
14. Cheryl Kibring PFEFFERS RD. Bradshaw
15. Lee R. Buckland PFEFFERS RD. Bradshaw
16. Robert J. Palmer Baltimore Airpark 107189
17. Mrs. K. Jones 11942 Phila. Rd. Bradshaw 21021
18. Harry W. Deed 11946 Phila. Rd.
19. Joan R. Little 11946 Phila. Rd.
20. Mrs. J. D. Little 11956 Phila. Rd.
21. Arthur M. Little 12014 Phila. Rd. Bradshaw
22. Thomas H. Little 12038 Phila. Rd.
23. Mrs. L. Little 12038 Phila. Rd.
24. Mrs. M. Barker 12037 Phila. Rd.
25. Theresa R. Jackson 12043 Phila. Rd. Bradshaw
26. Shirley D. Brown 12043 Phila. Rd.
27. Camille Meyer 12046 Phila. Rd.

28. Helena Meyer 12046 Phila. Rd.
29. Ray C. Meyer 12046 Phila. Rd.
30. Walter Meyer 12021 Phila. Rd.
31. Mr. & Mrs. Herman Willeford 10808 Haffers Rd. Bradshaw Md. 21021
32. Allen B. Webb 10841 PFEFFER Rd. Bradshaw Md. 21021
33. Charles B. Miller 10841 PFEFFER Rd. Bradshaw Md. 21021
34. Mr. & Mrs. Morgan Smith 8232 Bradshaw Rd. Bradshaw Md. 21021
35. Doris Lippel 8301 Bradshaw Road Bradshaw Md. 21021
36. Barbara Lippel 8301 Bradshaw Rd. Bradshaw Md. 21021
37. Elizabeth Lippel 8301 Bradshaw Rd. Bradshaw Md. 21021
38. John A. Lippel 8301 Bradshaw Rd. Bradshaw Md. 21021
39. John A. Lippel 8301 Bradshaw Rd. Bradshaw Md. 21021

40. Bonnie Coleman 10808 Haffers Rd.
41. Ray Jones 10808 Haffers Rd.
42. Mr. & Mrs. E. Jones 12108 Phila. Rd. Bradshaw Md. 21021
43. Mr. & Mrs. Charles G. Fink 12110 Phila. Rd. Bradshaw Md. 21021
44. Mr. & Mrs. J. R. Jones 12122 Phila. Rd. Bradshaw Md. 21021
45. Mr. & Mrs. J. R. Jones 12122 Phila. Rd. Bradshaw Md. 21021
46. Mrs. Nancy C. Seal 12208 Phila. Rd. Bradshaw Md. 21021
47. Mrs. Dorene Little 12216 Phila. Rd. Bradshaw Md. 21021
48. William M. Little 12227 Phila. Rd. Bradshaw Md. 21021
49. William M. Little 12227 Phila. Rd. Bradshaw Md. 21021
50. John A. Little 12227 Phila. Rd. Bradshaw Md. 21021
51. John A. Little 12227 Phila. Rd. Bradshaw Md. 21021
52. Pat Dyer 12227 Phila. Rd. Bradshaw Md. 21021

Attention Zoning Commission:

It seems it should be the responsibility of the Cellular Phone Co. to seek out a place for the tower which would make the least amount of inconvenience to the public and leave the surrounding community as undisturbed as possible. A more likely place for this would be the B.G.E. property less than 1/4 mile from the proposed site. The damage has already been done to the environmental aspects of that land. The land has been bordered with dirt and seems more practical for such a tower. Every day more land is taken for industrial uses. It seems more practical to use commercial lands up while leaving undeveloped land alone for the future.

Sincerely Yours,

Margie Jones
Maurice Jones

NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION		FOR FAA USE ONLY	
<p>1. NAME AND ADDRESS OF INDIVIDUAL, COMPANY, CORPORATION ETC. PROPOSING THE CONSTRUCTION OR ALTERATION (Number, Street, City, State and Zip Code)</p> <p>Bell Atlantic Mobile Systems, Inc. 180 Mount Airy Road Room 1003 P. O. Box 405 Basking Ridge, NJ 07920</p>		<p>2. PROPOSED LENGTH OF TIME TO COMPLETE (Month)</p> <p>36</p>	
<p>3. COMPLETE DESCRIPTION OF STRUCTURE (include effective radiated power or proposed or modified AM, FM, TV, UHF and VHF frequencies, size and configuration of tower, transmission line, etc. if applicable)</p> <p>A free standing monopole supporting a triangular platform 154 feet above ground level. Whip-like antennas are mounted at the corners of the platform and extend the height an additional 13 feet. This proposed installation will operate in the 870-890 MHz band with an effective radiated power of 100 watts.</p> <p>- See Attachment A -</p>		<p>4. LOCATION OF STRUCTURE</p> <p>A. COORDINATES (To nearest second)</p> <p>B. NEAREST CITY OR TOWN AND STATE</p> <p>C. DISTANCE FROM NEAREST AIRPORT (To nearest mile)</p> <p>D. DISTANCE FROM NEAREST AIRPORT (To nearest mile)</p> <p>E. DISTANCE FROM NEAREST AIRPORT (To nearest mile)</p> <p>F. DISTANCE FROM NEAREST AIRPORT (To nearest mile)</p> <p>G. DISTANCE FROM NEAREST AIRPORT (To nearest mile)</p> <p>H. DISTANCE FROM NEAREST AIRPORT (To nearest mile)</p> <p>I. DISTANCE FROM NEAREST AIRPORT (To nearest mile)</p> <p>J. DISTANCE FROM NEAREST AIRPORT (To nearest mile)</p> <p>K. DISTANCE FROM NEAREST AIRPORT (To nearest mile)</p> <p>L. DISTANCE FROM NEAREST AIRPORT (To nearest mile)</p> <p>M. DISTANCE FROM NEAREST AIRPORT (To nearest mile)</p> <p>N. DISTANCE FROM NEAREST AIRPORT (To nearest mile)</p> <p>O. DISTANCE FROM NEAREST AIRPORT (To nearest mile)</p> <p>P. DISTANCE FROM NEAREST AIRPORT (To nearest mile)</p> <p>Q. DISTANCE FROM NEAREST AIRPORT (To nearest mile)</p> <p>R. DISTANCE FROM NEAREST AIRPORT (To nearest mile)</p> <p>S. DISTANCE FROM NEAREST AIRPORT (To nearest mile)</p> <p>T. DISTANCE FROM NEAREST AIRPORT (To nearest mile)</p> <p>U. DISTANCE FROM NEAREST AIRPORT (To nearest mile)</p> <p>V. DISTANCE FROM NEAREST AIRPORT (To nearest mile)</p> <p>W. DISTANCE FROM NEAREST AIRPORT (To nearest mile)</p> <p>X. DISTANCE FROM NEAREST AIRPORT (To nearest mile)</p> <p>Y. DISTANCE FROM NEAREST AIRPORT (To nearest mile)</p> <p>Z. DISTANCE FROM NEAREST AIRPORT (To nearest mile)</p>	
<p>5. HEIGHT AND ELEVATION (Complete A, B, and C to the nearest foot)</p> <p>A. ELEVATION OF SITE ABOVE MEAN SEA LEVEL</p> <p>B. HEIGHT OF STRUCTURE INCLUDING APPURTENANCES AND LIGHTING</p> <p>C. OVERALL HEIGHT ABOVE MEAN SEA LEVEL (A + B)</p>		<p>6. HEIGHT OF STRUCTURE INCLUDING APPURTENANCES AND LIGHTING</p> <p>A. MARKED IS</p> <p>B. MARKED IS</p> <p>C. MARKED IS</p> <p>D. MARKED IS</p> <p>E. MARKED IS</p> <p>F. MARKED IS</p> <p>G. MARKED IS</p> <p>H. MARKED IS</p> <p>I. MARKED IS</p> <p>J. MARKED IS</p> <p>K. MARKED IS</p> <p>L. MARKED IS</p> <p>M. MARKED IS</p> <p>N. MARKED IS</p> <p>O. MARKED IS</p> <p>P. MARKED IS</p> <p>Q. MARKED IS</p> <p>R. MARKED IS</p> <p>S. MARKED IS</p> <p>T. MARKED IS</p> <p>U. MARKED IS</p> <p>V. MARKED IS</p> <p>W. MARKED IS</p> <p>X. MARKED IS</p> <p>Y. MARKED IS</p> <p>Z. MARKED IS</p>	
<p>7. OBSTRUCTION MARKED AND/OR LIGHTED IN ACCORDANCE WITH CURRENT FAA ADVISORY CIRCULAR TOPICS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100</p>		<p>8. I HEREBY CERTIFY that all of the above statements made by me are true, complete and correct to the best of my knowledge</p> <p>DATE: 3-23-84</p> <p>TITLE: J. P. Moffitt</p> <p>SIGNATURE: J. P. Moffitt</p>	

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

January 3, 1985

Thomas H. Biddison, Jr., Esquire
Gallagher, Evelius and Jones
1100 One Charles Center
Baltimore, Maryland 21201

RE: Petition for Special Exception and Variance
W/S of Jones Rd., 2100' NW of Pulaski Hwy.
Joseph H. Rosendale, et ux - Petitioners
Case No. 85-157-XA

Dear Mr. Biddison:

Please be advised that an appeal has been filed by the Counsel for the Petitioner, Joseph H. Rosendale, et ux, from the decision rendered by the Zoning Commissioner of Baltimore County in the above referenced matter.

You will be notified of the date and time of the appeal hearing when it is scheduled by the County Board of Appeals.

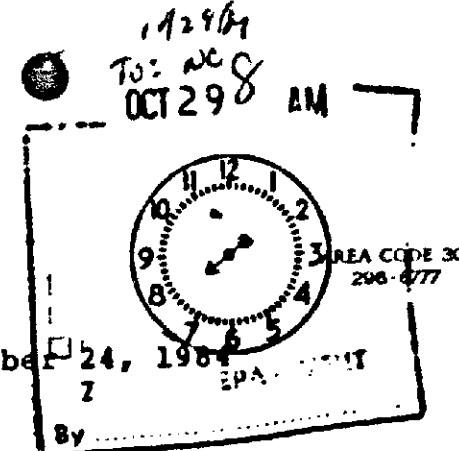
Sincerely,

Arnold Jablon
Zoning Commissioner

AJ:ech

cc: Phyllis C. Friedman
People's Counsel

W. LEE THOMAS, P. A.
ATTORNEYS AT LAW
SUITE 304
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204



Mr. Nicholas B. Commodari
Baltimore County Zoning Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Application for Special Exception and Variance from Joseph and Dorothea Rosendale, on behalf of Bell Atlantic Mobile Systems -- Item #102

Dear Nick:

Once again Bell has asked me to do everything necessary to obtain a prompt zoning hearing on the above referenced, which was filed in your office on October 11. This particular monopole is a key site as it serves as a connector in the Baltimore and Philadelphia corridor.

I would appreciate anything you can do to process this application without undue delay. Please give me a call regarding the results of your "charity relay" so I can forward a check in support of my pledge.

Very truly yours,

Keith E. Ronald

KER:arg

W. LEE THOMAS, P. A.
ATTORNEYS AT LAW
SUITE 314
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

November 8, 1984
By *[Signature]*
ZONING DEPARTMENT

Ms. Jean H. Jung
Deputy Zoning Commissioner
Baltimore County Office of Planning and Zoning
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Variance and Special Exception
Case No. 85-157-XA
W/S Jones Road, 2100' NW of Pulaski Highway
Hearing Date: December 4, 1984

Dear Ms. Jung:

Our office represents Bell Atlantic Mobile Systems, Inc., in its efforts to obtain zoning approval to locate in Baltimore County those monopoles necessary to allow it to provide cellular mobile telephone service to its customers in the Washington-Baltimore-Philadelphia corridor. As you may recall, you presided over that hearing for our application in Loveton Center, one of three sites which Bell has already received County approval to construct its monopole. I also understand that you are scheduled to hear our application on this site on December 4.

Bell has asked me to do everything possible to expedite the above referenced application, as it is essential to completing the link between Washington and Philadelphia. To help achieve this goal, I would like to file our building permit application prior to the zoning hearing, in order to allow said application to work its way through the approval process during the waiting period prior to the zoning hearing.

I have been informed by the Permit Office that it will not accept my building permit application until the application has been approved by certain County offices, including the Zoning Office. I submit this letter to you in an effort to obtain that approval, with the full understanding that said approval would be limited only to the acceptance of the filing of the building permit application. Bell would still be required to obtain final approval from the Zoning Office to erect the monopole, which could not be granted until after a hearing on the Petitions for Variance and Special Exception is held.

Application may be accepted to filing building permit with zoning from [unclear] 11/29/84

W. LEE THOMAS, P. A.

Ms. Jean H. Jung

November 8, 1984

Thank you for your assistance in the matter. Should you have any questions or if I may be of any assistance, please do not hesitate to contact me.

Very truly yours,
[Signature]
Keith E. Ronald

KER:drj

cc: Mr. Harry Fischer

W. LEE THOMAS, P. A.
ATTORNEYS AT LAW
SUITE 314
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

December 11, 1984

Mr. William T. Hackett, Chairman
County Board of Appeals of Baltimore County
Room 200
Court House
Towson, Maryland 21204

Re: Case No. 85-157-XA - *Rosendale*

Dear Mr. Hackett:

Our office represents Bell Atlantic Mobile Systems, Inc. We petitioned the Zoning Commissioner for a special exception and variance to locate a monopole antenna in Bradshaw, Maryland, to allow Bell to provide its cellular mobile telephone service to residents in that area as well as to customers travelling along Routes 1 and 95. On December 4, Mr. Jablon denied our request. I filed a Notice of Appeal with the Office of the Zoning Commissioner on December 5.

I would expect that your office will be receiving the file sometime this week. During a conversation with Mrs. Eisenhart, I learned that the Board is presently scheduling hearings in for March, 1985.

Bell and its competitor, Cellular One, are both trying to implement their systems in this new and highly competitive market as quickly as possible. Any delays in a company's ability to expand its system not only result in immediate financial losses from unrealized revenues, but also increase the potential for permanent loss of customers to the competitor. This latter concern is critical to Bell, as it is struggling to catch up from the advantage Cellular One gained from being granted the first license to commence operations in the Baltimore metropolitan area.

For these reasons, I would respectfully request that the Board set this matter in for hearing at the earliest possible date. In the event that a hearing presently scheduled for January or February is cancelled or postponed and there is sufficient time to provide adequate notice to all parties, I would most appreciate our matter being set in at such earlier time.

W. LEE THOMAS, P. A.

Mr. William T. Hackett,
Chairman

December 11, 1984

At the hearing before the Zoning Commissioner, the Protestants were represented by Thomas N. Biddison, Jr. (727-7702). I have forwarded a copy of this letter to him so that he is fully aware of my request.

Finally, both Bell and Mr. Kenneth Holt, spokesperson for the Protestants, are working together to locate a new site satisfactory to both the residents and my client. Should they be successful, it would obviate the need for a hearing, in which case I would notify the Board promptly. However, I do not believe that such a determination can possibly be made before mid-to-late January. I wanted you to be aware, however, that the parties are trying to resolve the situation amicably.

Thank you for your attention to this request. Should you have any questions, please do not hesitate to contact me.

Very truly yours,
[Signature]
Keith E. Ronald

KER:drj

cc: Thomas N. Biddison, Jr., Esquire
Mr. Harry Fischer

RECEIVED
COUNTY BOARD OF APPEALS
NOV DEC 14 A 10 08

LAW OFFICES
GALLAGHER, EVELIUS & JONES
1100 ONE CHARLES CENTER
BALTIMORE, MD. 21201
TELEPHONE (301) 727-7702

December 13, 1984

Mr. William T. Hackett, Chairman
County Board of Appeals of Baltimore County
Room 200
Court House
Towson, Maryland 21204

Re: Case No.: 85-157-XA - *Rosendale*

Dear Mr. Hackett:

I have received a copy of Mr. Ronald's letter of December 11, 1984.

Please be advised that I strenuously object to any acceleration of the hearing for the purpose of furthering the competitive economic interests of Mr. Ronald's client. I have some fifty-two (52) clients who plan to appear in opposition and they are busy people requiring several months notice at the very least to free up their calendars.

Please ask the Board secretary to contact me regarding any scheduling matters as I would like to clear any proposed dates through my clients.

Very truly yours,
[Signature]
Thomas N. Biddison, Jr.

TNBJR:nh
cc: Mr. Harry Riepe, Jr.
Mr. Kenneth Holt

LAW OFFICES
GALLAGHER, EVELIUS & JONES
1100 ONE CHARLES CENTER
BALTIMORE, MD. 21201
TELEPHONE (301) 727-7702

January 29, 1985

Ms. June Holmen
Secretary
County Board of Appeals of Baltimore County
Room 200
Courthouse
Towson, Maryland 21204

Re: Case No.: 85-157-XA
Joseph H. Rosendale, et ux
W/S Jones Road, 2100' NW of Pulaski Hwy.

Dear Ms. Holmen:

This is to request a postponement of the above captioned matter which is set in for hearing on April 4, 1985 at 10:00 a.m. On April 1, 1985, I begin a two week jury trial in Howard County Circuit Court, *Michael M. Flax vs. Maryland National Leasing Corporation*, Case No.: A-12818

Thank you for your cooperation in this matter.

Very truly yours,
[Signature]
Thomas N. Biddison, Jr.

TNBJR:nh
Mr. Harry Riepe
Mr. Kenneth Holt

RECEIVED
COUNTY BOARD OF APPEALS
NOV DEC 19 A 11 33

W. LEE THOMAS, P. A.
ATTORNEYS AT LAW
SUITE 314
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

April 12, 1985

Mr. William T. Hackett, Chairman
Board of Appeals of Baltimore County
Room 200, Court House
Towson, Maryland 21204

RE: Case No. 85-157-XA

Dear Mr. Hackett:

The above referenced matter is presently scheduled for hearing on Thursday, April 25. By agreement reached between Thomas N. Biddison, Esquire (counsel for protestants) and me, please accept this letter as a joint request for postponement of the hearing to a new date.

I have forwarded a copy of this letter to Mr. Biddison for his records. Once the hearing has been rescheduled, please inform us of the new date and time.

Very truly yours,
[Signature]
Keith E. Ronald

KER/klm
cc: Thomas N. Biddison, Esquire

RECEIVED
COUNTY BOARD OF APPEALS
NOV APR 15 A 10 23

W. LEE THOMAS, P. A.
ATTORNEYS AT LAW
SUITE 314
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

June 12, 1985

Mr. William T. Hackett, Chairman
Board of Appeals of Baltimore County
Room 200
Court House
Towson, MD 21204

Re: Case No. 85-157-XA

Dear Mr. Hackett:

The above referenced matter is presently scheduled for hearing on Thursday, June 27, 1985. By agreement reached between Thomas N. Biddison, Esquire (counsel for protestants) and me, please accept this letter as a joint request for postponement of the hearing to a new date.

Since this appeal was filed, Petitioner has attempted to relocate its monopole to a new site. We anticipate receiving the necessary zoning approval by mid-July. Should this in fact occur, we would be willing to dismiss our appeal once the thirty day appeal period from the order of the Zoning Commissioner expired.

I have forwarded a copy of this request to Mr. Biddison. Thank you for your attention to this matter. Should you have any questions or if I may be of any assistance, please do not hesitate to contact me.

Very truly yours,
[Signature]
Keith E. Ronald

KER/pnp
cc: Thomas N. Biddison, Esquire

RECEIVED
COUNTY BOARD OF APPEALS
NOV JUN 13 P 3 46

December 10, 1984

Ms. Tolly Peuleche
Chief, Resources Planning
Capital Programs Administration
State Department of Natural Resources
Jones State Office Building
Annapolis, Maryland 21401

RE: Case No. 85-157-XA
Joseph H. Rosendale, et ux,
Petitioners

Dear Ms. Peuleche:

I am in receipt of your letter of December 3, 1984. For your information, I denied the requested special exception on December 4, 1984. A written decision will be forthcoming. However, an appeal of that decision has been taken to the Board of Appeals for Baltimore County.

I am forwarding a copy of your letter along with this correspondence to the attorneys for the Petitioners and Protestants.

Sincerely,

ARNOLD JABLON
Zoning Commissioner

AJ/srl

cc: Keith E. Ronald, Esquire

Thomas N. Biddison, Jr., Esquire

TERRY C. BROWN, M.D.
Secretary
JOHN R. GRIFFIN
Deputy Secretary

STATE OF MARYLAND
DEPARTMENT OF NATURAL RESOURCES
CAPITAL PROGRAMS ADMINISTRATION
JAMES STATE OFFICE BUILDING
ANNAPOLIS, MARYLAND 21401

December 3, 1984

Mr. Arnold Jablon
Zoning Commission
Baltimore County
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Jablon:

I understand that case #85-157-XA in the Jones Road/Route 7 area of Baltimore County is presently under review for a variance and special exception in order to place a mobile phone tower on private property very near a part of Gunpowder Falls State Park.

The Department of Natural Resources, Land Planning Services, is concerned about this tower because of the visual impact that it will have on the park. See attached acquisition/master plan map for the relationship of the tower landscape particularly in such a popular use area of the park. As apparent from the map, DNR is an adjacent landowner, however, to my knowledge, we never received notice of the upcoming hearing.

I would hope that you could take this issue of visual impact from the Park into account in your decision. In any case, I would appreciate being informed of the outcome of the hearing.

Sincerely,

Tolly Peuleche
Tolly Peuleche
Chief, Resources Planning

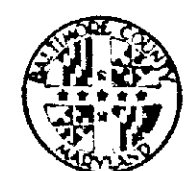
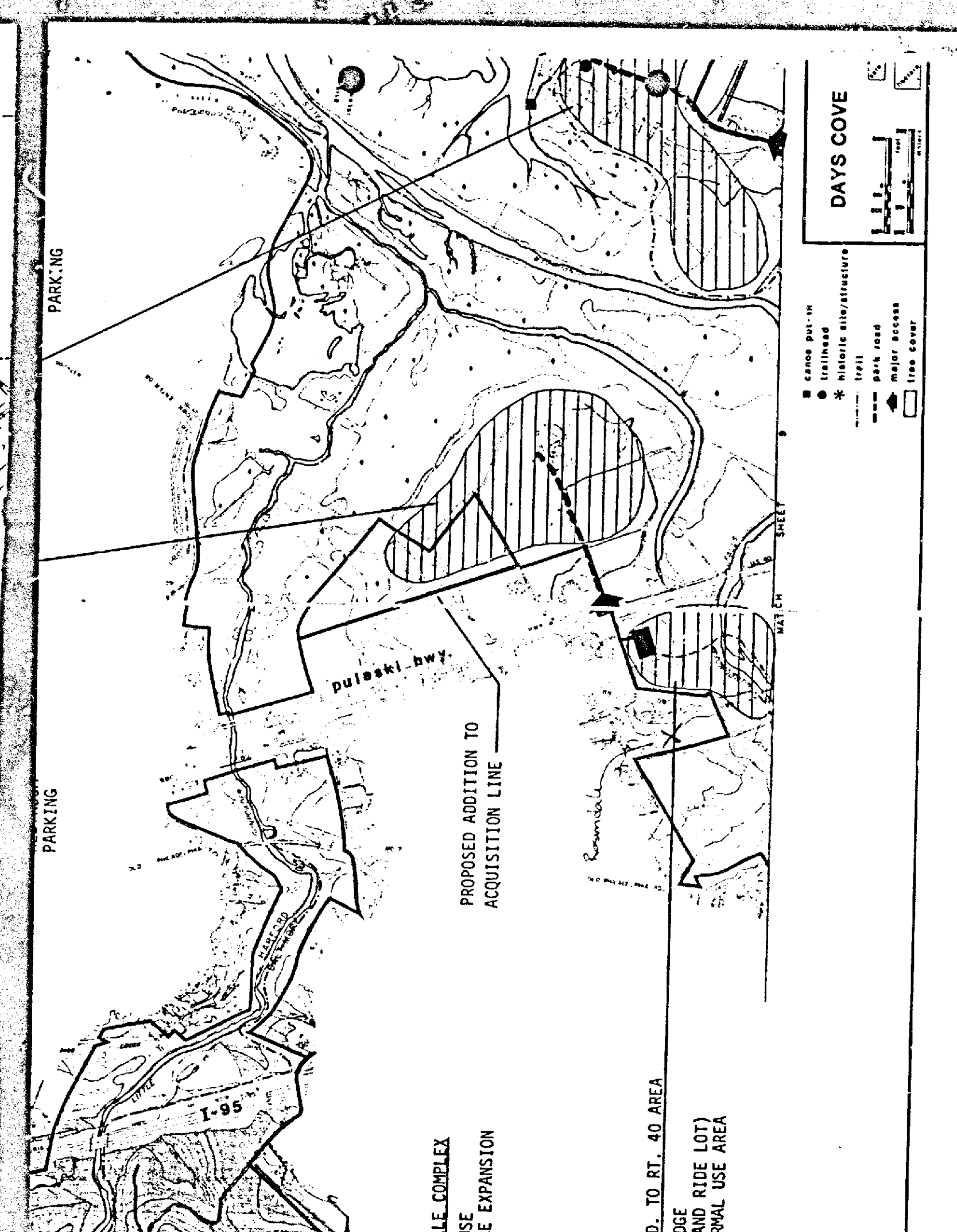
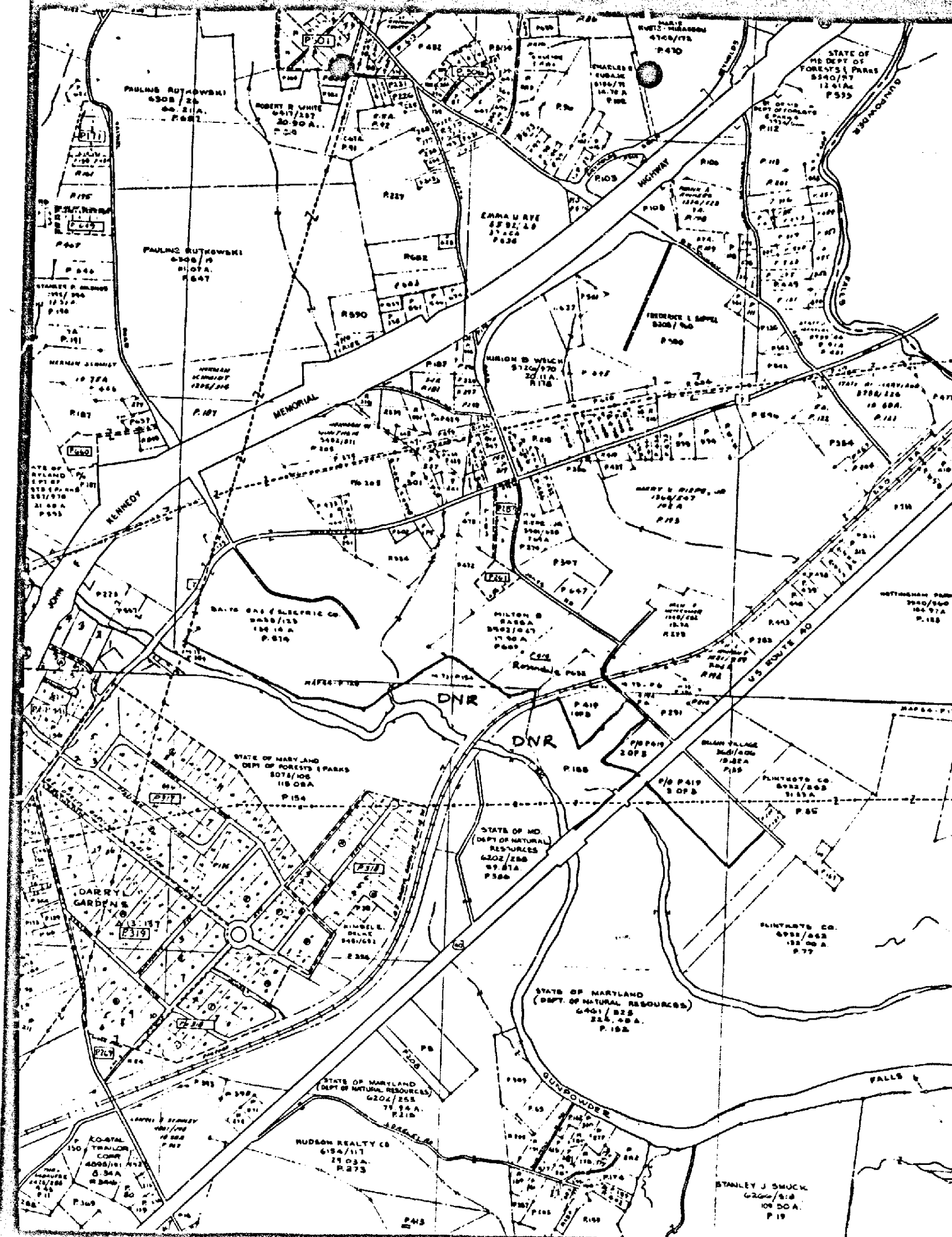
TP:mle

Attachments

cc: Ken Holt
Bill Simmons

TELEPHONE: 269-3636

TTY FOR DEAF: BALTIMORE 269-2609 WASHINGTON METRO 565-0400



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301)494-3180

November 5, 1985

Keith E. Ronald, Esq.
Suite 314, 409 Washington Ave.
Towson, Maryland 21204

Dear Mr. Ronald:

Enclosed herewith is a copy of the Order of Dismissal passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Jane Holmen, Secretary

Encl.
cc: Joseph H. Rosendale, et ux
Thomas N. Biddison, Jr., Esq.
Dave LaBarre
Phyllis C. Friedman
Norman E. Gerber
James Howell
Arnold Jablon
Jean Jung
James Dyer

To whom it may concern:
I would like to be notified when the case #85-157-XA is scheduled for a hearing. Thank you.

Dave LaBarre

Dave LaBarre

10730 Jones Road
Bradshaw MD 21021
301-679-3404

1 Case # 85-157-XF

RECEIVED
COUNTY BOARD OF APPEALS
JAN 10 1986

Petition for Special
Exception and Variance
11th Election District
LOCATION: West side of
Jones Road, 200 feet North
of Pulaski Highway.
DATE & TIME: Tuesday, December
4, 1985 at 1:30 p.m.
PUBLIC HEARING: Room 106,
County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing for the installation of a wireless transmitting and receiving structure in a minor-g is intended, and Variance to allow building setbacks of 15 feet, 20 feet and 21 feet, all in line of the required 30 feet.
Being the property of Joseph H. Rosendale, et ux, as shown on plat plan filed with the Zoning Department.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.
By Order Of
Arnold Jablon
Zoning Commissioner
of Baltimore County

The Times

Middle River, Md., 11/15/85

This is to certify, that the annexed
petition for special exception and variance
was inserted in The Times, a newspaper printed
and published in Baltimore County, once in each
of _____
weeks before the _____ day of _____, 1985.
_____ Publisher.

85-157-XA
CERTIFICATE OF PUBLICATION
TOWSON, MD., November 15, 1985
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on November 15, 1985.
THE JEFFERSONIAN,
Publisher
Cost of Advertising 30.00

#85-157-XA
11th District
W/S Jones Rd., 2100' NW of Pulaski Highway
JOSEPH ROSENDALE, ET UX
2 SIGNS
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE
MISCELLANEOUS COST RECEIPT
DATE 2/12/85 ACCOUNT 61712 AMOUNT \$4.00
PAID TO Scott Barlight
FOR Copies of documents from file 85-157-XA
Joseph H. Rosendale

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland
85-157-XA
2:35 PM
District 11th
Posted for Variance & Special Exception
Petitioner Joseph H. Rosendale, et ux
Location of property W/S Jones Rd., 2100' NW of Pulaski Hwy., 21085
Location of Signs 10' E. roadway, facing Jones Rd. on driveway
Remarks Petitioner, in absence of other driveway
Posted by M. J. Harty
Number of Signs 2
Date of return 11/16/85

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland
85-157-XA
3:01 PM
District 11th
Posted for Appeal
Petitioner Joseph H. Rosendale, et ux
Location of property W/S Jones Rd., 2100' NW of Pulaski Hwy., 21085
Location of Signs 10' E. roadway, facing Jones Rd. on driveway
Remarks Petitioner, in absence of other driveway
Posted by M. J. Harty
Number of Signs 2
Date of return 11/16/85

85-157-XA

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

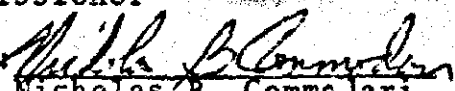
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

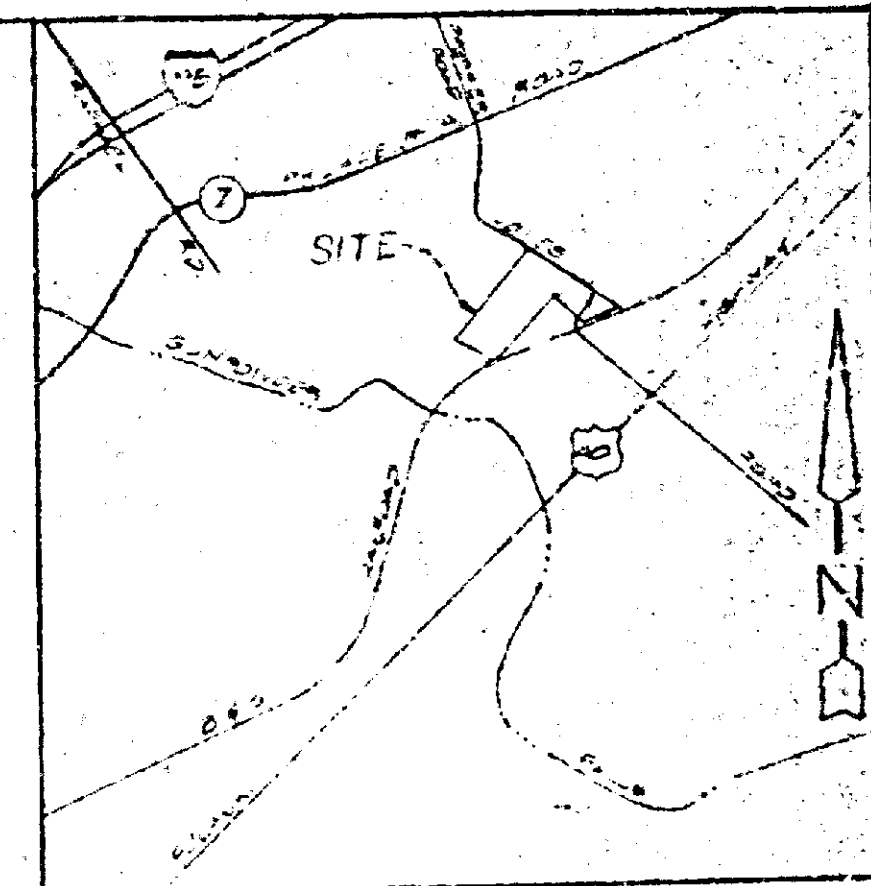
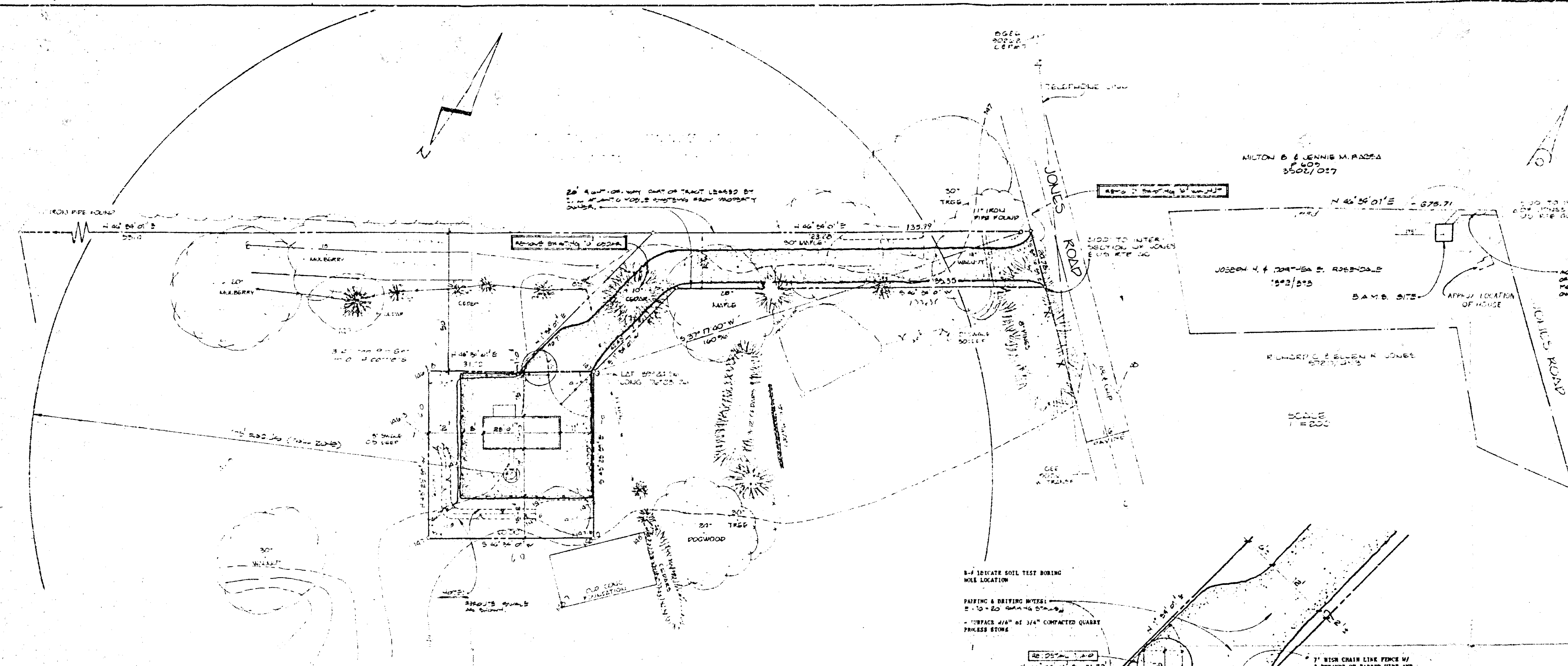
Your petition has been received and accepted for filing this
24th day of October, 1984.


ARNOLD JABLON
Zoning Commissioner

Petitioner Joseph H. Rosendale, et ux
Petitioner's
Attorney Keith E. Ronald

Received by

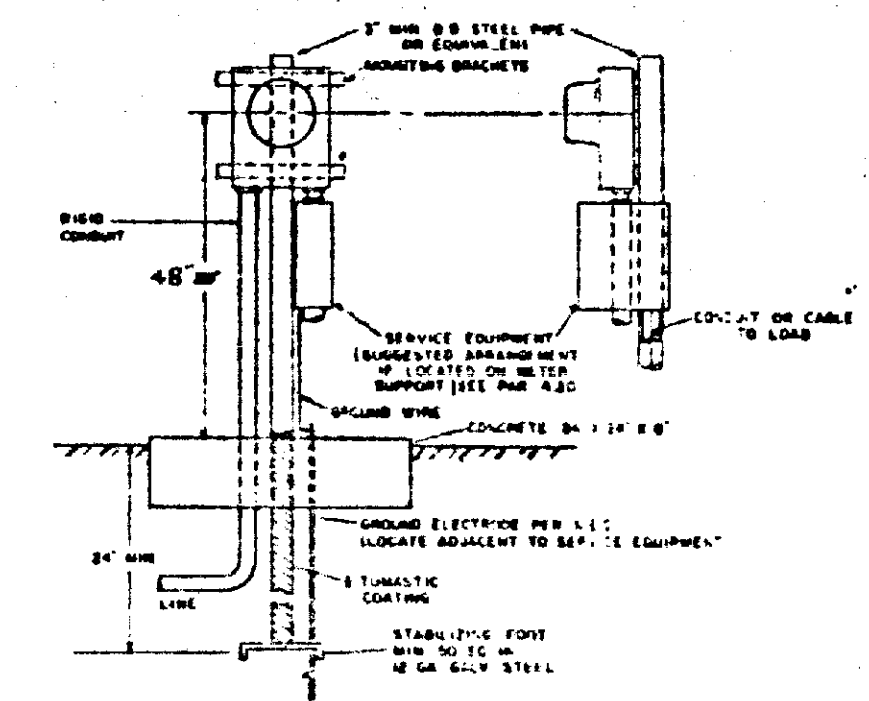

Nicholas B. Commolari
Chairman, Zoning Plans
Advisory Committee



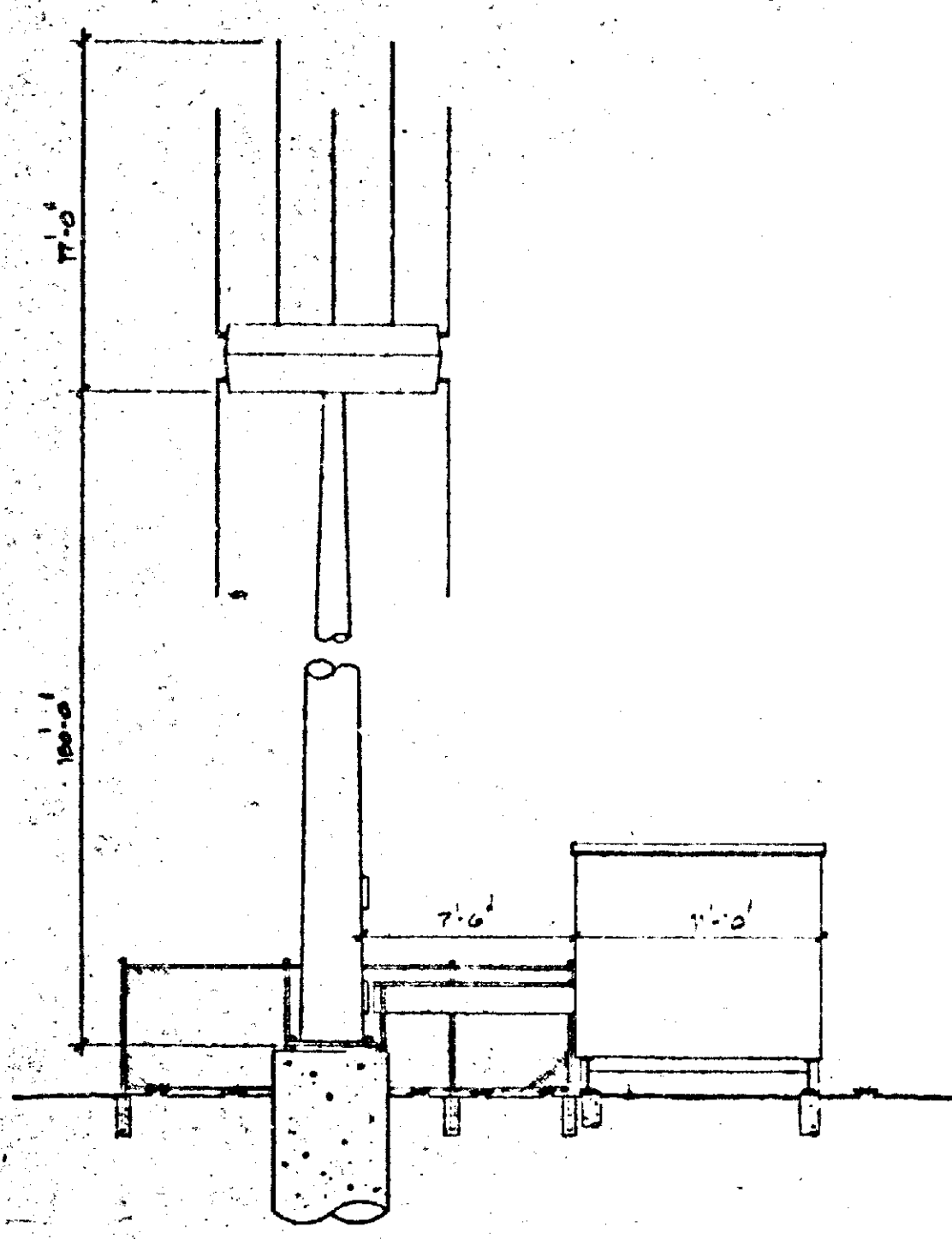
VICINITY MAP
 SCALE: 1" = 1 MILE
 BENCH MARK
 ELEVATIONS ARE BASED ON DATA CO
 BM NO. X-3378
 ELEV. 7050'
 LOCATION: CUT IN CENTER OF HEADWALL
 ON WEST SIDE OF PHILADELPHIA RD.
 1/4 MI. SOUTH OF
 PEPPER RD.

GENERAL NOTES
 1. ZONING: R.O.S. RURAL RESIDENTIAL
 2. AREA: 5000 ± SQ. FT.
 3. NO PUBLIC WATER OR SEWER
 4. INTEREST IN PROPERTY TO LEASE
 5. EXISTING UGGS OR LEASED TRACT IS VACANT (ON OPEN SPACE)
 6. AREA OF PROPERTY SURVEYED: 13 AC.
 7. NO STRUCTURE OR OVERLINE LIES WITHIN 175' RADII FROM MONUMENT.

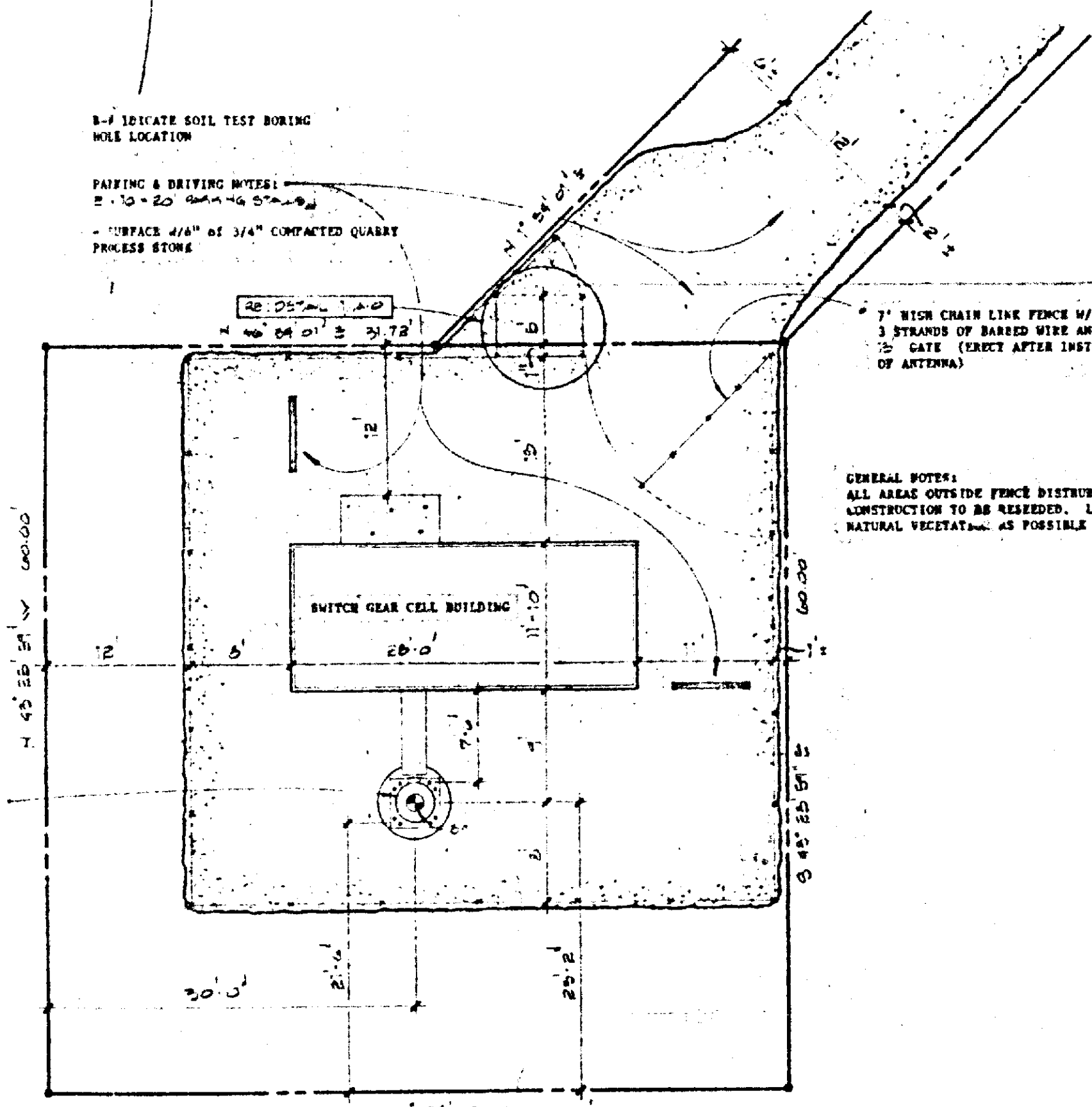
SITE PLAN - BLT-GTT-2
 SCALE: 1" = 20'



TYPICAL UTILITY ENCLOSURE
 SCALE: 1" = 10'



ANTENNA & BLDG. PROFILE
 SCALE: 1" = 10'



DETAILED SITE PLAN - BLT-GTT-2
 SCALE: 1" = 20'

- ENGINEERING NOTES:**
- PLEASE NOTIFY THE SUPERVISOR OF ENGINEERING PRIOR TO MAKING ANY CHANGES ON THIS SURVEY.
 - ANTENNA LATITUDE: 39° 24' 30"
 - ANTENNA LONGITUDE: 76° 29' 55"
 - ANTENNA ELEVATION: 7050'
 - PLACE ANTENNA AS SPECIFIED.
 - PROPOSED ANTENNA: 10'
 - IT IS ASSUMED THAT NO FILL AREA RESTRICTIONS APPLY SINCE NONE ARE INDICATED ON SURVEY.
 - ANY UTILITIES IN THE CONSTRUCTION AREA SHOULD BE RELOCATED PRIOR TO CONSTRUCTION.
 - COMPARE ALL POINTS BEFORE BUILDING AND REPORT ANY DIFFERENCE AT ONCE. FOR BUILDING LINES, EASEMENTS AND OTHER RESTRICTIONS NOT SHOWN HEREON, CONSULT YOUR DEED, CONTRACT DEED, TITLE POLICY, RECORD ORDINANCES, ETC.

NOTE: EVANS, HAGAN, & HOLDEFER CERTIFYS TO THE ACCURACY OF THE BOUNDARY AND TOPOGRAPHY OF THIS SITE ONLY AND NOT TO THE CONSTRUCTION DETAILS.

PETITIONER'S EXHIBIT

SITE OF
BELL ATLANTIC MOBILE SYSTEMS
BLT-GTT-2

10620 JONES ROAD
 114' ELEVATION DATA
 BRADDOCK, MD. 20707
 BRADDOCK COUNTY, MD.

OWNER:
 JOSEPH H. & JENNIE M. ROSENDALE
 10620 JONES ROAD
 BRADDOCK, MARYLAND 20707

EVANS, HAGAN & HOLDEFER, INC.
 ENGINEERS, LAND PLANNERS & SURVEYORS
 601 SANDY SPRING ROAD / LAUREL, MD. 20707
 (301) 725-0886 / 792-8086

DATE: _____
 REVISION: _____
 BY: _____

SURVEYED BY: _____
 COMPILED BY: _____
 DRAWN BY: _____
 CHECKED BY: _____
 DRWG. NO.: _____

1012 BELAIR ROAD / BALTIMORE, MD. 21204 - (410) 444-1001
 530 POPULAR STREET / CAMBRIDGE, MD. 21613 - (301) 226-3000
 111 JOHN STREET / WESTMINSTER, MD. 21157 - (301) 470-2017

DATE: _____ SCALE: AS SHOWN

Bell Atlantic Mobile Systems
 180 MOUNT AIRY ROAD, P.O. BOX 405
 BASKING RIDGE, N.J. 07920

DRAWING TITLE: **SITE PLANS & DETAILS**

APPROVED BY: _____
 NPS DIRECTOR OF ENGINEERING

NPS LOCATION NO.: **BLT-GTT-2**
 NPS JOB NO.: _____

PROJECT LOCATION: **10620 JONES ROAD, BRADDOCK, MD. 20707**

DATE: _____

ISSUED TO: _____
 REVISION: _____

PROJECT DATE: **9-28-88**

DRAWING NO.: **A-0**

SCALE: **AS SHOWN**

DRAWN BY: **J. L. Hagan**
 (301) 725-0886

PROTOTYPE: _____